

Allowed Claims: 1, 3-12, 14.

***Examiner's Amendment/Reasons for Allowance/Examiner's Comments***

**Examiner's Amendment**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Clark Wilson on January 26, 2009.

The application has been amended as follows:

1. Cancel non-elected claims 15-16;
2. Claim 3, line 2, change "portions may collectively comprise" to --portion comprises--;
3. Claim 9, line 2, delete "concave surface or";
4. Claim 9, line 3, change "such surfaces" to --concave surfaces--.

**Reasons for Allowance**

The following is an examiner's statement of reasons for allowance: Specifically, in reference to independent claim 1, none of the prior art or in combination disclose or teach the claimed contact lens, specifically including, as the distinguishing feature in combination with the other limitations, the limitation of the lens adapted to change in cross sectional shape in moving between the claimed first and second positions.

**Examiner's Comments**

The drawings received July 27, 2006 as modified October 9, 2008 have been approved by the examiner.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jordan M. Schwartz whose telephone number is 571-272-2337. The examiner can normally be reached on Monday to Friday from 8:00 to 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky Mack can be reached on 571-272-2333. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Art Unit: 2873

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Art Unit 2873  
January 27, 2009

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